

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORDER

AND NOW, this 10th day of December, 2013, upon consideration of Defendant New York Marine and General Insurance Company's Motion for Judgment on the Pleadings (Doc. No. 11) and Plaintiff Solid Waste Services, Inc.'s Cross-Motion for Judgment on the Pleadings (Doc. No. 15), and all the Responses and Replies thereto, it is hereby **ORDERED** that:

1. Defendant's Motion is **GRANTED** as to Count I of the Counterclaim but **DENIED** as to Count II and III;
2. Plaintiff's Motion is **DENIED**;
3. Plaintiff's Complaint (Doc. No. 1) is **DISMISSED** with prejudice.
4. Count III of the Counterclaim remains extant, and counsel for the parties are ordered to appear for a Chambers Conference with the Court at 4:30 p.m. on January 7, 2014.

BY THE COURT.

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE